



**House Local Government Committee**

Arntzen, Elsie (R) (Chair)  
Hands, Betsy (D) (Vice Chair)  
MacLaren, Gary (R) (Vice Chair)  
Becker, Arlene (D)  
Bennett, Gerald (R)  
Berry, Tom (R)  
Driscoll, Robyn (D)  
Ebinger, Bob (D)  
Grinde, Wanda (D)  
Hamilton, Robin (D)  
Ingraham, Pat (R)  
Menahan, Mike (D)  
More, Michael (R)  
Reichner, Scott (R)  
Reinhart, Michele (D)  
Sands, Diane (D)  
Stahl, Wayne (R)  
Vance, Gordon (R)  
cc: Joe Kolman, Staff

February 17, 2009

Dear Chairman Arntzen and Members of the Committee:

Thank you for the opportunity to provide written testimony. **The Clark Fork Coalition supports HB 523.** This bill will allow fair, democratic, population-based consideration of a single-landowner zoning protest, so that one entity cannot hamstring an entire community's land use planning process.

Many counties across Montana are working to implement cooperative land use visions, with community councils and citizens working diligently on regional plans, which may include zoning regulations, to guide development.

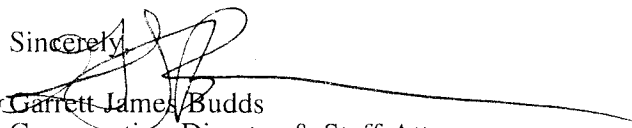
Montana's zoning statutes contain a "protest provision," allowing the public to prohibit the proposed zoning regulations from going into effect. The protest provision contains two numeric standards denoting who qualifies for exercising the provision: 1) population based, i.e. the majority of a region's residents; and 2) land ownership, i.e. quantity of acreage owned.

The land ownership standard for the protest provision has been abused in recent years. It was originally devised to protect the rural character of communities and safeguard the livelihood of ranchers and loggers from the development of prime agricultural or forested lands. **Unfortunately, this land ownership standard for protest provision has led to a power imbalance for local governments.**

In an ironic twist of fate, the protest provision has been used as a "stick" in front of community councils and planning departments. As community councils strive to develop regional plans with provisions for protecting rural lands, a singular landowner—often a party *not* interested in maintaining rural character—can use the protest provision to stop this process.

We ask that you support and **pass HB 523 so that citizens will be able to weigh in on a single-landowner protest and decide whether it has merit.** Thank you. We appreciate your time and dedication to protecting Montana's resources and local communities.

Sincerely,

  
Garrett James Budds  
Conservation Director & Staff Attorney

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